REMARKS/ARGUMENTS

Claims 2 and 3 remain pending in this application. Claims 1 and 4 through 6 are cancelled.

Claims 2 and 3 stand rejected under 35 U.S.C. §103(a) as being unpatentable over JP57181354A (hereinafter "JP'354").

Independent claim 2 provides a method for manufacturing Ni-Al alloy anode for fuel cells using nickel powders comprising mixing the nickel powders as sintering aids into Ni-Al alloy powders with the mixing ratio of Ni-Al alloy powders to Ni powders ranges from 30:70 to 70:30.

Independent claim 3 provides a method for manufacturing Ni-Al alloy anode for fuel cells using nickel powders, comprising mixing the nickel powders are mixed as sintering aids into Ni-Al alloy powders with the mixing ratio of Ni-Al alloy powders to Ni powders ranges from 40:60 to 60:40.

JP'354 provides a light and hard ornamental Ni-Al sintered alloy that has Al 34-30 wt.% and has golden color tone and corrosion resistance.

The Action asserts that JP'354 discloses an amount of Ni added to the powder which falls into the ratio as claimed by Applicant establishing a prima facie case of obviousness. Applicants respectfully disagree. JP'354 merely provides "Al 24-30 wt.% and the balance Ni with incidental impurities" and a "commercially available Ni-Al alloy powder of Al 32-33%, may be mixed with a desired amount of Ni powder." (pages 1 and 2 of JP'354 provided with the Action). Thus, JP'354 provides an amount of Al in the commercially available Ni-Al powder and is silent on a mixing ratio of Ni-Al alloy powders to Ni powders, let alone a mixing ratio of Ni-Al alloy powders to Ni powders that ranges from 30:70 to 70:30, as recited by claim 2, or a mixing ratio of Ni-Al alloy powders to Ni powders ranges from 40:60 to 60:40, as recited by claim 3. Moreover, Applicants have

unexpectedly found that beyond a specific volume ratio, Ni-Al alloy powders form a structure of 3-D network where the resistant feature to creep abruptly increase. Moreover, an excellent resistance to creep is achieved by using nickel powders as sintering aids and by mixing Ni-Al alloy powders and Ni powders with the mixing ratio of 30:70 to 70:30, as recited in claim 2, and 40:60 to 60:40, as recited by claim 3.

Further, claims 2 and 3 are directed to a method for manufacturing Ni-Al alloy anode for fuel cells using nickel powders. In contrast, JP'354 is an ornamental Ni-Al sintered alloy that has Al 34-30 wt.% having golden color tone and corrosion resistance. Thus, there is no motivation to modify JP'354 to arrive at the claimed invention as recited in claims 2 and 3.

Thus, JP'354 fails to disclose or suggest all of the features of claims 2 and 3. Reconsideration and withdrawal of the rejection to claims 2 and 3 are respectfully requested.

In view of the above, Applicants respectfully submit that the claimed invention is patentably distinguishable over the cited combination of art. Accordingly, reconsideration and withdrawal of the rejections and passage of this application to allowance are respectfully requested.

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